

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RowVaughn Wells, Individually and as)
Administratrix of the Estate of Tyre Deandre)
Nichols, Deceased,)

Plaintiff,)

v.)

CASE NO. 2:23-CV-02224-MSN-atc
JURY DEMAND

The City of Memphis, Tennessee; Chief Cerelyn)
Davis; Emmitt Martin III;)
Demetrius Haley; Justin Smith;)
Desmond Mills, Jr.; Tadarrius Bean;)
Preston Hemphill; Robert Long;)
JaMichael Sandridge; Michelle Whitaker;)
DeWayne Smith,)

Defendants.)

**DEFENDANT CHIEF CERELYN DAVIS' UNOPPOSED MOTION FOR LEAVE TO
FILE A REPLY IN SUPPORT OF HER MOTION FOR PROTECTIVE ORDER**

Defendant Chief Cerelyn Davis, in her individual capacity ("Chief Davis"), pursuant to Local Rule 7.2(c), files this Unopposed Motion for Leave to File a Reply in Support of her Motion for Protective Order. As good cause for this Motion, Chief Davis states as follows:

1. On February 17, 2025, Chief Davis filed a Motion to Dismiss based on the doctrine of qualified immunity. (ECF No. 303.) The issue of qualified immunity asserted in the Motion to Dismiss is pending before the Court.

2. On March 21, 2025, Chief Davis filed her Motion for Protective Order, wherein she sought a protective order staying discovery against her during the pendency of her Motion to Dismiss based on the doctrine of qualified immunity. (ECF No. 348.) In her Motion for

Protective Order, Chief Davis further requested an order excusing her from compulsory mediation attendance.

3. On April 11, 2025, Plaintiff RowVaughn Wells (“Plaintiff”) filed a Response in Opposition to Chief Davis’ Motion for Protective Order. (ECF No. 386). In the Response, Plaintiff argues that a motion for qualified immunity does not entitle Chief Davis to a stay for claims other than the particular claim to which she has asserted qualified immunity. Specifically, Plaintiff seeks immediate discovery against Chief Davis on Plaintiff’s *Monell* claim against the City of Memphis.

4. Chief Davis disagrees with Plaintiff’s interpretation of Sixth Circuit caselaw and its application to the facts of this case.

5. Allowing Chief Davis to file a reply to Plaintiff’s Response will not cause undue delay or prejudice to any party. If allowed, Chief Davis intends to file her reply brief on or before April 21, 2025.

6. Counsel for Chief Davis conferred with counsel for Plaintiff on the relief requested in this Motion, and Plaintiff does not oppose this Motion.

7. Additionally, Chief Davis requests, pursuant to Local Rule 7.2(e), that the Court permit Chief Davis to file a reply brief of up to 10 pages in length to fully address the arguments raised in Plaintiff’s Response.

Thus, Chief Davis respectfully requests that the Court grant this Motion and allow Chief Davis to file a reply brief of up to 10 pages in length in opposition to Plaintiff’s Response on or before April 21, 2025.

Dated: April 15, 2025.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

s/ Bruce McMullen

Bruce McMullen (#18126)
Jennie Vee Silk (#35319)
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 526-2000
bmcullen@bakerdonelson.com
jsilk@bakerdonelson.com

*Attorneys for Defendant City of Memphis,
Chief Cerelyn Davis in her Individual
Capacity, and Dewayne Smith as Agent of
the City of Memphis*

CERTIFICATE OF CONSULTATION

The undersigned hereby certifies that on April 1, 2025 and April 14, 2025, counsel for Chief Davis consulted via email with all counsel regarding the relief sought in this Motion. On April 1, counsel for Plaintiff, Josh Levin, advised that it did not oppose the relief sought. At the time of the filing of this Motion, no other counsel had responded to the request for consultation.

s/ Bruce McMullen

Bruce McMullen

CERTIFICATE OF SERVICE

I, Bruce McMullen, hereby certify that on April 15, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bruce McMullen

Bruce McMullen